

FILED

MAR 27 2018

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

JACOB BANSCHBACH,

Plaintiff,

vs.

M.S.P. CORRECTIONAL OFFICER
CARL BECKWITH,

Defendants.

CV 15-106-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Findings and Recommendations in this case on February 7, 2018, recommending that this action be dismissed for failure to state a claim. Plaintiff Jacob Banschbach (“Banschbach”) failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

After reviewing the record and finding no clear error, this Court agrees with Judge Johnston that Banschbach’s sexual assault claim is barred by the applicable statute of limitations, and his other claims fail as a matter of law.

Accordingly, IT IS ORDERED that Judge Johnston’s Findings and

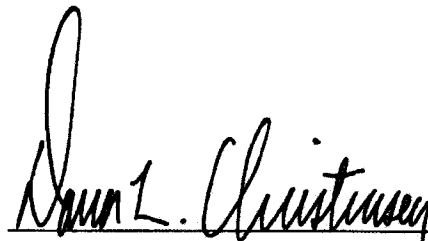
Recommendations (Doc. 62) are ADOPTED IN FULL.

(1) Defendant's Motion for Summary Judgment (Doc. 53) is GRANTED and this matter DISMISSED.

(2) The Clerk of Court is directed to close this matter and enter judgment in favor of Defendant pursuant to Rule 58 of the Federal Rules of Civil Procedure.

(3) The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit.

DATED this 27th day of March, 2018.

A handwritten signature in black ink, appearing to read "Dana L. Christensen", is written over a horizontal line.

Dana L. Christensen, Chief District Judge
United States District Court